

Remarks/Arguments

Claims 5, 6, 9-14, 18 and 19 have been previously withdrawn as a result of a restriction requirement. Claims 1 to 4, 7, 8, 15 to 17, 20, 22-24, 26, 28-31 and 36 have been previously canceled. Claims 37-40 are currently canceled. Claims 21, 32, and 33 are currently amended. The Examiner has found that SEQ ID NO 12 is free of the prior art searched and of record. Examiner has found claims 25 and 27 are allowable but objected to because they depend from rejected claim 21.

Claim 21 has been amended to claim the isolated polynucleotide having the sequence of SEQ ID NO:12. Support for the amendment may be found in paragraph [001] and [0047] as well as throughout the specification.

Claims 32 and 33 has been amended to clarify that a composition or expression vector contains an isolated polynucleotide according to claims 21, 25 or 27, respectively. Support for this amendment may be found in paragraph [0016], [0131] and [0146] as well as throughout the specification.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 21, 32-35, 37-40 have been rejected by the Examiner under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because the specification does not adequately describe the elements essential to the genera being claimed. The Examiner has found that SEQ ID NO 12 is free of the prior art searched and of record and identified claims 25 and 27 as allowable but objected to because they depend from rejected claim 21.

In light of the Examiner's comments about SEQ ID NO 12 and claims 25 and 27, and in order to place this application in condition for allowance, the claims have been amended to claim the isolated polynucleotide having the sequence of SEQ ID NO:12 and specific nucleotide sequences of SEQ ID NO:12 as claimed in claims 25 and 27. Claims 37-40 have been canceled. Applicants respectfully request the Examiner to reconsider and withdraw the above rejections.

The Commissioner is authorized to charge Deposit Account 19-3880 (Bristol-Myers Squibb Company) for any requisite fees due or to credit any overpayment. The Examiner is invited to contact the undersigned if there are any questions relating to the prosecution of this application.

Respectfully submitted,



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